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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Brandyn Webb

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EXAMINER

NASH, LASHANYA RENEE

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/788,526	WEBB ET AL.	
	Examiner	Art Unit	
	LaShanya R. Nash	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 35-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-30, 37 and 39-46 is/are allowed.
- 6) ☒ Claim(s) 35, 36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### ***DETAILED ACTION***

This action is in response to an Amendment filed June 12, 2006. Claims 1-30 and 35-46 are presented for further consideration. Claims 1,16 and 39 are currently amended. Claims 31-34 are cancelled. Claims 40-46 are new.

### ***Response to Arguments***

Applicant's arguments, see Remarks (pages 1-2), with respect to claims 1,9-12,14, 16, 24-27,29 and 39 have been fully considered and are persuasive in light of the foregoing amendments. Therefore, the rejections under 35 USC 103(a) have been withdrawn. However, claims 35-36 and subsequent dependent claims remain rejected as set forth below in the Office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (US Patent 6,425,012), in view of Liles (US Patent 5,888,731) and Morris et al. (US Patent 6,336,133), hereinafter referred to as Trovato, Liles and Morris respectively.**

In reference to claim 35, Trovato discloses a method for forming on-line chat networks based on time of access request and context/user profiles associated with the user. Also, the method includes forming multiple instances, or clones, of chat networks that have high rates of access requests (column 4, lines 52-64). Trovato shows the aforementioned method comprises:

- Creating a first forum (i.e. chat network 131) and a distinct second forum (i.e. chat networks for users having differing interests; column 5, lines 40-46; column 7, lines 45-51);
- Creating two or more clones of a first forum and two or more clones of the second forum, wherein each clone is an instance of the respective forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the first forum, (column 4, lines 13-17; column 7, lines 53-56); and
- Determining whether an interactive relationship exists between a user entering the forum and another user, (column 3, line 63 to column 4, line 4 and column 7, lines 41-44); and
- If an interactive relationship exists, placing the first user entering the first world in a clone of the first world based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

Trovato teaches substantial features of the claimed invention. Trovato also discloses a chat network maintained by a system of one or more computers for transmitting text, audio, audio-visual, and multi-media messaging between users

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(column 2, line 65 to column 3, line 5 and Figure 1), but fail to expressly show the chat network as an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world and may interact by moving avatars within the virtual world, interacting and observing the world and other users. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to accordingly modify the method disclosed by Trovato, as evidenced by Liles.

In an analogous art, Liles teaches a method and system for implementing a 3D virtual world graphical on-line chat session, wherein multiple users may enter and navigate (Figure 13; column 12, line 52 to column 13, line 15). Liles further discloses employing avatars with automatic gesturing (column 3, lines 18-26 and column 3, lines 58-65; Figure 3) to support user interaction within a virtual world. Liles further discloses an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world (column 1, lines 50 to column 2, line 23). Therefore, one of ordinary skill in the art would have readily recognized the advantages to the aforementioned modification in order to extend the functionality of the chat network to include graphical gesturing used in combination with text messages, and thereby improving communication between forum participants (Liles column 2, lines 25-50). In reference to claims 2-3, 13, 17-18, 28, 32 and 34 Trovato teaches receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further

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discloses that the context and user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38).

Trovato and Liles fail to show the method receiving information associated with a first user entering the first world indicating: what clones of what distinctive clones the first user has been in; and receiving information associated with a second user indicating what clones of what distinctive worlds the second user has been in; and determining that an interactive relationship between the first user entering the first world, and another user, wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world. Nonetheless this modification to the method, as disclosed by Trovato and Liles, would have been obvious to one of ordinary skill in the art at the time of the invention, as further evidenced by Morris.

In another analogous art, Morris discloses receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Morris further discloses the forum regulation method and system maintain user-records, which contain indications of forums accessed by on-line users, (i.e. total-time-of-access and time-of-entry for each forum; column 6, lines 8-65). Subsequently, determining if an interactive relationship wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same

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world prior to the first user entering the first world (i.e. "eviling" another user; and a user must have been in the same forum for a specified amount of time with another user to "evil"; column 5, lines 9-44) exists between users having been in the same forum, (i.e. comparing a user's time-of-entry to a forum to another user's time-of-entry to that forum; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily recognized the advantages of modifying the method and system, as disclosed by Trovato and Liles. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

In reference to claim 36, Trovato discloses a network former, a component of a chat server, which executes various administrative functions of the chat forming methodology as addressed in claim 35. The chat server and communication network for the invention are shown to comprise:

- A means for (column 5, lines 14-19 and Figure 1), creating a first forum (i.e. chat network 131) and a distinct second forum (i.e. chat networks for users having differing interests; column 5, lines 40-46; column 7, lines 45-51);
- A means for (column 5, lines 14-19 and Figure 1), creating two or more clones of a first forum and two or more clones of the second forum, wherein each clone is an instance of the respective forum, thereby allowing any number of users to be in the same forum while limiting the

number of users in each instance of the first forum, (column 4, lines 13-17; column 7, lines 53-56); and

- A means for (column 3, line 51 to column 4, line 4 and column 4, lines 13-16) determining whether an interactive relationship exists between a user entering the forum and another user, (column 3, line 63 to column 4, line 4 and column 7, lines 41-44); and
- A means for (column 3, line 51 to column 4, line 4 and column 4, lines 13-16) placing the first user entering the world, if an interactive relationship exists, in a clone of the first world based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

Trovato teaches substantial features of the claimed invention. Trovato also discloses a chat network maintained by a system of one or more computers for transmitting text, audio, audio-visual, and multi-media messaging between users (column 2, line 65 to column 3, line 5 and Figure 1), but fail to expressly show the chat network as an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world and may interact by moving avatars within the virtual world, interacting and observing the world and other users. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to accordingly modify the system disclosed by Trovato, as evidenced by Liles.

In an analogous art, Liles teaches a method and system for implementing a 3D virtual world graphical on-line chat session, wherein multiple users may enter and



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navigate (Figure 13; column 12, line 52 to column 13, line 15). Liles further discloses employing avatars with automatic gesturing (column 3, lines 18-26 and column 3, lines 58-65; Figure 3) to support user interaction within a virtual world. Liles further discloses an interactive 3D virtual worlds that presents a 3D graphical scene to a user, and wherein multiple users may enter and navigate each virtual world (column 1, lines 50 to column 2, line 23). Therefore, one of ordinary skill in the art would have readily recognized the advantages to the aforementioned modification in order to extend the functionality of the chat network to include graphical gesturing used in combination with text messages, and thereby improving communication between forum participants (Liles column 2, lines 25-50).

Trovato and Liles fail to show the system receiving information associated with a first user entering the first world indicating: what clones of what distinctive clones the first user has been in; and receiving information associated with a second user indicating what clones of what distinctive worlds the second user has been in; and determining that an interactive relationship between the first user entering the first world, and another user, wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world. Nonetheless this modification to the system, as disclosed by Trovato and Liles, would have been obvious to one of ordinary skill in the art at the time of the invention, as further evidenced by Morris.

In another analogous art, Morris discloses a receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Morris further discloses the forum regulation method and system maintain user-records, which contain indications of forums accessed by on-line users, (i.e. total-time-of-access and time-of-entry for each forum; column 6, lines 8-65). Subsequently, determining if an interactive relationship wherein an interactive relationship is determined to exist if the first user and the second user have had an interactive relationship with each other in the same clone of the same world prior to the first user entering the first world (i.e. "eviling" another user; and a user must have been in the same forum for a specified amount of time with another user to "evil"; column 5, lines 9-44) exists between users having been in the same forum, (i.e. comparing a user's time-of-entry to a forum to another user's time-of-entry to that forum; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily recognized the advantages of modifying the system, as disclosed by Trovato and Liles. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

In reference to claims 38, Trovato shows the method and system receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and

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user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38). However, Trovato and Liles fail to specifically show the method wherein the relationship is a group membership relationship; the method further comprising receiving an indication from the user entering the forum or from one or more other users that a group membership exists between the user entering the forum and the one or more other users. Nonetheless, this modification to the method and system as disclosed by Trovato and Liles would have been obvious to one of ordinary skill in the art at the time of the invention, as evidenced by Morris.

In an analogous art, Morris discloses receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8), specifically an indication of membership relationship (i.e. participants of private chat room or buddy lists; column 5, lines 45-55; column 6, lines 31-38). Therefore, one of ordinary skill in the art would have readily recognized the advantages to include information from the previously described limitations into the context/user profiles received from the entering user, as well as other chat participants. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

### ***Allowable Subject Matter***

Independent claims 1, 16, 39, 40, 43, and 46 and subsequent dependent claims are considered allowable. The aforementioned claims describe a unique method and system for populating online forums with users up to a determined threshold, except placing users in the forum if an interactive relationship is determined to exist between the users even if the forum would otherwise be deemed full. Applicable prior art discloses creating clones of online forums, placing users in forums based on interactive relationships, and limiting the number of users of online forums to a maximum limit, as set forth in detail throughout the Office action. However, Examiner asserts that these aforementioned limitations as recited in Applicant's claims are not an obvious modification to the cited prior art on the record.

Examiner additionally suggests amending independent claims 35-36 to further incorporate limitations that clearly indicate reserving extra capacity for instances of forums, so that "special" users may be placed in an instance of a forum, even if the instance would otherwise be deemed full as disclosed in Applicant's specification (i.e. pages 6-8).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash  
Art Unit, 2153  
August 18, 2006



KRISNA LIM  
PRIMARY EXAMINER